

United States Environmental Protection Agency
Region 10
1200 Sixth Avenue
Seattle, Washington 98101

**AUTHORIZATION TO DISCHARGE AND LANDFILL SEWAGE SLUDGE (BIOSOLIDS)
UNDER THE NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM**

In compliance with the provisions of the Clean Water Act, 33 U.S.C. §1251 *et seq.*, as amended by the Water Quality Act of 1987, P.L. 100-4, the "Act",

**Cow Creek Gaming Center Wastewater Treatment Plant
146 Chief Miwaleta Lane
Canyonville, Oregon 97417**

is authorized to discharge from the Cow Creek Gaming Center facility located in Canyonville, Oregon, at the following location(s):

<u>Outfall</u>	<u>Receiving Water</u>	<u>Latitude</u>	<u>Longitude</u>
001	South Umpqua River	42° 56' 29"	123° 17' 04"

from November 1 through April 30, in accordance with discharge point, effluent limitations, monitoring requirements and other conditions set forth herein.

This permit shall become effective

This permit and the authorization to discharge shall expire at midnight,

The permittee shall reapply for a permit reissuance on or before _____, 180 days before the expiration of this permit if the permittee intends to continue operations and discharges at the facility beyond the term of this permit.

Signed this day of

Michael F. Gearheard
Director
Office of Water and Watersheds, Region 10
U.S. Environmental Protection Agency

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TABLE OF CONTENTS

Schedule of Submissions.....	4
I. SPECIFIC LIMITATIONS.....	5
A. Effluent Limitations	5
II. BIOSOLIDS/SEPTAGE MANAGEMENT REQUIREMENTS	6
A. Septage and Biosolids Requirements.....	6
B. Septage Requirements.....	6
C. Biosolids Requirements	7
III. MONITORING, RECORDING, AND REPORTING REQUIREMENTS	8
A. Monitoring Requirements	8
B. Representative Sampling	10
C. Quality Assurance Requirements.....	10
D. Operation and Maintenance Plan.....	11
E. Monitoring Procedures.....	11
F. Reporting of Monitoring Results	12
G. Additional Monitoring by the Permittee	12
H. Records Contents	13
I. Retention of Records.....	13
J. Twenty-four Hour Notice of Noncompliance Reporting.....	14
K. Other Noncompliance Reporting	15
L. Notice of New Introduction of Pollutants.....	15
M. Design Criteria Requirement	16
IV. COMPLIANCE RESPONSIBILITIES	16
A. Duty to Comply.....	16
B. Penalties for Violations of Permit Conditions	16
C. Need to Halt or Reduce Activity not a Defense.....	19
D. Duty to Mitigate.....	19
E. Proper Operation and Maintenance	19
F. Removed Substances	19
G. Bypass of Treatment Facilities.....	19
H. Upset Conditions.....	20
I. Planned Changes	21
J. Anticipate Noncompliance.....	22

Draft Permit

V. GENERAL REQUIREMENTS 22

 A. Control of Undesirable Pollutants..... 22

 B. Permit Actions 22

 C. Duty to Reapply 23

 D. Duty to Provide Information..... 23

 E. Other Information 23

 F. Signatory Requirements..... 23

 G. Availability of Reports..... 24

 H. Inspection and Entry 25

 I. Oil and Hazardous Substance Liability..... 25

 J. Property Rights 25

 K. Severability 26

 L. Transfers 26

 M. State Laws..... 26

 N. Reopener Provision..... 26

VI. DEFINITIONS..... 26

APPENDIX A - BIOSOLIDS/SEPTAGE A-1

LIST OF TABLES

Table I-1: Outfall 001 Effluent Limitations (November 1 – April 30).....6

Table III-1: Outfall 001 Monitoring Requirements8

Table III-2: Ambient Monitoring Requirements.....9

Table III-3: Design Criteria for Cow Creek Gaming Center WWTP16

The following is a summary of some of the items the permittee must complete and/or submit to EPA during the term of this permit:

Item	Due Date
1. Discharge Monitoring Reports (DMR)	DMRs are due quarterly and must be postmarked by the 10th day following the third month of the calendar quarter in which the monitoring was done. (see Part III.F.)
2. Operation and Maintenance Plan	The Plan must be developed and implemented 180 days after the effective date of the permit. The permittee must provide EPA with written notification that the Plan has been developed and implemented. The Plan must be kept on site. (see Part III.D.)
3. Quality Assurance Plan	The Plan must be developed and implemented 180 days after the effective date of the permit. The permittee must provide EPA with written notification that the Plan has been developed and implemented. The Plan must be kept on site. (see Part III.C.1.)
4. NPDES Application Renewal	The application must be submitted 180 days before the expiration date of the permit. (see V.C.)
5. Design Criteria Requirement	The annual average value for flow, and BOD ₅ and TSS loading entering the facility shall be computed and be submitted each year by April 10 th along with the first calendar quarter DMR. (see Part III.M.)
6. Ambient Monitoring Reporting	Ambient monitoring shall begin 180 months from the effective date of this permit and shall be included on the quarterly DMRs. (see Part III.A.4.)

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I. SPECIFIC LIMITATIONS

A. Effluent Limitations.

1. From November 1 through April 30 during the effective period of this permit, the permittee is authorized to discharge from Outfall 001, subject to the restrictions set forth herein. This permit does not authorize discharge from May 1 through October 31. This permit also does not authorize the discharge of any waste streams, including spills and other unintentional or non-routine discharges of pollutants, that are not part of the normal operation of the facility as disclosed in the permit application, or any pollutants that are not ordinarily present in such waste streams.
2. The discharge shall be free from objectionable discoloration, scum, oily sleek or floating solids. The discharge shall not cause appreciable bottom or sludge deposits.
3. The effluent pH range shall be between 6.5 - 8.5 standard units.

4. The following maximum effluent limits shall apply:

Table I-1: Outfall 001 Effluent Limitations (November 1 – April 30)					
Effluent Characteristic	Unit of Measurement	Monthly Average	Weekly Average	Daily Maximum	% Removal
Biochemical Oxygen Demand (BOD ₅)	mg/L	30	45	---	≥85
	lbs/day	22	33	---	--
Total Suspended Solids (TSS)	mg/L	30	45	---	≥85
	lbs/day	22	33	---	--
E. coli ¹	#/100 mL	126	---	406	--
1. The monthly average limit shall be reported as a monthly log mean.					

5. Percent removal of BOD₅ and TSS shall be reported on the quarterly Discharge Monitoring Report (DMR). For both BOD₅ and TSS, the monthly average percent removal shall be calculated from the arithmetic mean of the influent values and the arithmetic mean of the effluent values for that month.

II. BIOSOLIDS/SEPTAGE MANAGEMENT REQUIREMENTS

A. Septage and Biosolids Requirements.

1. Acceptance of waste. The Wastewater Treatment Plant (WWTP) shall not accept biosolids, septage, and grease trap waste from other treatment works, commercial establishments or domestic sewage septic tanks unless written approval is obtained from EPA.
2. Permit modification. The Permittee must apply for a permit modification 180 days before making a major change in biosolids or septage management (40 CFR 122.21).

B. Septage Requirements.

1. State laws and federal standards. The permittee shall comply with all existing federal and state laws and regulations that apply to septage use or disposal. The materials from the septic tank shall comply with state regulations regarding classification and disposal. The permittee shall take all reasonable steps to ensure that the septage is disposed of by a solids material handler that complies

with any operating procedures such as operating permits, operating approvals, or compliance schedules.

2. Monitoring and recording. The permittee shall conduct a one time test, during the first effective year of the permit, of the septage from the WWTP for arsenic, cadmium, copper, lead, mercury, molybdenum, nickel, selenium, and zinc. The one time test shall be conducted in accordance with “Test Methods for Evaluating Solid Waste, Physical/Chemical Methods”, EPA Publication SW-846.

C. Biosolids Requirements.

1. State laws and federal standard. The permittee shall comply with all existing federal and state laws and regulations that apply to biosolids use or disposal. The permittee shall take all reasonable steps to ensure that biosolids are disposed of in a Municipal Solid Waste Landfill (MSWLF) unit that complies with 40 CFR 258 and Subtitle D of RCRA (56 FR 50978) including any biosolids operating procedures such as operating permits, operating approvals, or compliance schedules. The permittee shall ensure that the federal requirements of 40 CFR 258 (Subpart C, 258.28); 40 CFR 261 (Subpart A, 261.3 and Subpart C, 261.24); and 40 CFR 503 (Subpart A, 503.1-7 & 9) are met when the biosolids are delivered, stored, handled or disposed of in a MSWLF unit (refer to Appendix A).
2. Public health and environment. The permittee shall handle and dispose of biosolids in such a manner so as to protect public health and the environment from any reasonably anticipated adverse effects due to any toxic pollutants that may be present.
3. Surface water. The permittee shall ensure pollutants from the biosolids do not reach waters of the United States (40 CFR 122.2).
4. Biosolids disposal. When utilized for disposal, the biosolids shall be deposited within or directly over the MSWLF “unit” and not in a separate unit, pile, lagoon, or trench either exclusively for biosolids, or in combination with some waste or material other than municipal solid waste. If consistent with the state and local agency landfill operating plan, biosolids may be used in mixed or unmixed form as daily or interim cover, and including use as part of bulk final cover only if premixed with cover material in such a way that it is not used for growing vegetation.

5. Monitoring and recording. Biosolids from the WWTP may be sent to a MSWLF provided the biosolids are non-hazardous and do not contain “free liquids” as defined by EPA test method 9095 in “Test Methods for Evaluating Solid Wastes, Physical/Chemical Methods” (EPA Pub. No. SW-846).

III. MONITORING, RECORDING, AND REPORTING REQUIREMENTS

A. Monitoring Requirements.

1. The following monitoring requirements shall apply to Outfall 001 from November 1 through April 30:

Table III-1: Outfall 001 Monitoring Requirements				
Effluent Parameter	Unit of Measurement	Sample Location¹	Sample Frequency	Sample Type
Flow	mgd	Influent or Effluent	Continuous	Recording
pH ²	standard units	Effluent	2/week	Grab
BOD ₅	mg/L lbs/day	Influent and Effluent	1/week	24 hr. Composite
TSS	mg/L lbs/day	Influent and Effluent	1/week	24 hr. Composite
E. coli	#/100 mL	Effluent	1/week	Grab
Total Ammonia as N	mg/L	Effluent	1/month	24 hr. Composite
Temperature	°C	Effluent	1/month	Grab
<ol style="list-style-type: none"> 1. Influent and effluent composite samples shall be collected during the same 24-hour period. 2. The Permittee shall report the pH values and number and duration of pH excursions during the quarter with the DMR for that quarter. 				

In the event that a discharge occurs outside the authorized timeframe of November 1 through April 30, the above mentioned monitoring requirements shall apply for Outfall 001.

2. The following Monitoring Requirements shall apply to Biosolids and Septage:

The permittee shall collect and analyze (untreated, partially treated, class A or B) samples of biosolids that are placed in a MSWLF unit as follows:

- a. Biosolids shall be sampled often enough to represent biosolid quality; at least once before disposal in a MSWLF;
 - b. Samples shall be analyzed according to Part 258.28 (Paint Filter Test). The exclusion of hazardous waste shall be in accordance with the definition of hazardous waste found in 40 CFR 261.1 and potentially 261.24 (Toxicity Characteristic Leaching Procedure). Samples shall be taken prior to disposal in a MSWLF.
 - c. Sample results shall be included in the quarterly DMR following the test.
3. The permittee shall collect and analyze a sample of septage from the septic tank during the first effective year of the permit for arsenic, cadmium, copper, lead, mercury, molybdenum, nickel, selenium, and zinc. Sample results shall be included in the quarterly DMR following the test.
 4. Ambient Water Monitoring:
 - a. An upstream sampling station shall be established, at a point representative of stream quality, above the influence of the facility's discharge. The location of the sampling station shall be submitted to EPA and included on the quarterly DMRs. Ambient monitoring, from November 1 through April 30, consistent with the following requirements, shall begin 180 days from the effective date of this permit:

Table III-2: Ambient Monitoring Requirements				
Effluent Parameter	Unit of Measurement	Sample Location	Sample Frequency	Sample Type
pH	standard units	Upstream	1/month	Grab
Total Ammonia as N	mg/L	Upstream	1/month	24 hr. Composite
Temperature	°C	Upstream	1/month	Grab

B. Representative Sampling.

1. Effluent samples taken in compliance with the monitoring requirements established under Section III.A. shall be collected from the effluent stream after the last treatment unit and prior to discharge into the receiving waters. Sampling is required whenever a bypass, spill, or non-routine discharge of pollutants occurs, if such discharge may reasonably be expected to cause or contribute to a violation of an effluent limit under the permit. Samples and measurements shall be representative of the volume and nature of the monitored discharge.
2. Biosolid samples used to measure compliance under Section III.A. of this permit shall be representative of the variability in biosolids quality generated at the treatment works considering location, season, processing, and handling.

C. Quality Assurance Requirements.

1. The permittee must develop a quality assurance plan (QAP) for all monitoring required by this permit. The permittee must provide EPA with written notification that the QAP has been developed and implemented within 180 days of the effective date of this permit. Any existing QAPs may be modified for submittal under this section.
2. The QAP must be designed to assist in planning for the collection and analysis of effluent and receiving water samples in support of the permit and in explaining data anomalies when they occur.
3. Throughout all sample collection and analysis activities, the permittee must use the EPA-approved QA/QC and chain-of-custody procedures described in:

(1) *EPA Requirements for Quality Assurance Project Plans EPA-QA/R-5* (EPA/240/B-01/003, March 2001). A copy of this document can be found electronically at:

<http://www.epa.gov/quality/qs-docs/r5-final.pdf>

(2) *Guidance for Quality Assurance Project Plans EPA-QA/G-5*, (EPA/600/R-98/018, February, 1998). A copy of this document can be found electronically at:

<http://www.epa.gov/r10earth/offices/oea/epaqag5.pdf>

4. The QAP must be prepared in the form which is specified in these documents or at a minimum, the QAP must include the following:

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- a. Details on the number of samples, type of sample containers, preservation of samples, holding times, analytical methods, analytical detection and quantitation limits for each target compound, type and number of quality assurance field samples, precision and accuracy requirements, sample preparation requirements, sample shipping methods, and laboratory data delivery requirements.
 - b. Map(s) indicating the location of each sampling point.
 - c. Qualification and training of personnel.
 - d. Name(s), address(es) and telephone number(s) of the laboratories, used by or proposed to be used by the permittee.
5. The permittee must amend the QAP whenever there is a modification in sample collection, sample analysis, or other procedure addressed by the QAP.
 6. Copies of the QAP must be kept on site and made available to EPA upon request.

D. Operation and Maintenance Plan.

In addition to the requirements specified in Section IV.E. of this permit (Proper Operation and Maintenance), the permittee must develop and implement an operation and maintenance plan for the wastewater treatment facility. The permittee must provide EPA with written notification that the Plan has been developed and implemented within 180 days of the effective date of this permit. The plan must be retained on site and made available on request to EPA.

E. Monitoring Procedures.

1. Monitoring must be conducted according to test procedures approved under 40 CFR 136 unless other test procedures have been specified in this permit or approved by EPA as an alternate test procedure under 40 CFR 136.5.
2. Biosolids sampling procedures shall follow those outlined in *Test Methods for Evaluating Solid Waste, Physical/Chemical Methods*, EPA Publication SW-846, 2nd Edition (1982) with Updates I (April 1984) and II (April 1985) and 3rd Edition (November 1986)

with Revision I (December 1987) Methods 1311 (Toxicity Characteristic Leaching Procedure) and 9095 (Paint Filter Test).

F. Reporting of Monitoring Results.

Outfall 001 effluent monitoring and ambient monitoring data shall be summarized each calendar quarter on the DMR form (EPA No. 3320-1) or equivalent or forms provided or specified by the Director for reporting results of monitoring of sludge use or disposal practices. The quarterly effluent and ambient monitoring reports, and biosolids monitoring (if required) shall be submitted to the EPA postmarked by the 10th day following the third month of the calendar quarter in which the monitoring was done. Biosolids monitoring shall be reported in the subsequent quarterly DMR following disposal. Biosolid monitoring shall include the amounts of biosolids disposed or used in the MSWLF unit(s) and the location(s) biosolids were stockpiled, transferred, disposed of or used. The permittee must sign and certify all DMRs, and all other reports, in accordance with the requirements of Part V.F. of this permit ("Signatory Requirements"). The permittee must submit the legible originals of these documents to the Director, Office of Compliance & Enforcement, at the following addresses:

United States Environmental Protection Agency
Region 10
1200 Sixth Avenue, OCE-133
Seattle, Washington 98101
Attn: PCS Data Entry Team

G. Additional Monitoring by the Permittee.

If the permittee monitors any pollutant more frequently than required by this permit, using test procedures approved under 40 CFR 136 or, in the case of sludge use or disposal, approved under 40 CFR 136 unless otherwise specified in 40 CFR 503, or as specified in this permit, the permittee must include the results of this monitoring in the calculation and reporting of the data submitted in the DMR or sludge reporting forms specified by the Director.

Upon request by the Director, the permittee must submit results of any other sampling, regardless of the test method used.

H. Records Contents.

1. Records of monitoring information must include:
 - a. the date, exact place, and time of sampling or measurements;
 - b. the name(s) of the individual(s) who performed the sampling or measurements;
 - c. the date(s) analyses were performed;
 - d. the names of the individual(s) who performed the analyses;
 - e. the analytical techniques or methods used; and
 - f. the results of such analyses.
2. Records of biosolids disposal shall include:
 - a. The site location(s) (street address or nearest intersection, section/township/range, and latitude and longitude or approximate center with distance in meters to most distant corner) of each MSWLF utilized, and any storage facilities used,
 - b. The name, address, and telephone number of the operator of the MSWLF and any storage facilities utilized,
 - c. The amount of biosolids (tons, dry weight) delivered to each MSWLF, and/or storage facility, and
 - d. The results of free liquid tests, and results of any other tests of the biosolids such as for hazardous characteristics, PCBs, or other constituents.

I. Retention of Records.

The permittee must retain records of all monitoring information, including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, copies of all reports required by this permit, copies of DMRs, a copy of this NPDES permit, and records of all data used to complete the application for this permit, for a period of at least five years from the date of the sample, measurement, report or application. This period may be extended by request of the Director at any time.

J. Twenty-four Hour Notice of Noncompliance Reporting.

1. The permittee must report the following occurrences of noncompliance by telephone within 24 hours from the time the permittee becomes aware of the circumstances:
 - a. any noncompliance that may endanger health or the environment;
 - b. any unanticipated bypass that exceeds any effluent limitation in the permit (See Part IV G, "Bypass of Treatment Facilities");
 - c. any upset that exceeds any effluent limitation in the permit (See Part IV H., "Upset Conditions");
 - d. any violation of a maximum daily discharge limitation for any of the pollutants in "Table I-1 of Part I.A."; or
 - e. any overflow prior to the treatment works, whether or not such overflow endangers health or the environment or exceeds any effluent limitation in the permit.
2. The permittee must also provide a written submission within five days of the time that the permittee becomes aware of any event required to be reported under subpart 1, above. The written submission must contain:
 - a. a description of the noncompliance and its cause;
 - b. the period of noncompliance, including exact dates and times;
 - c. the estimated time noncompliance is expected to continue if it has not been corrected;
 - d. steps taken or planned to reduce, eliminate, and prevent recurrence of the noncompliance; and
 - e. if the non compliance involves an overflow prior to the treatment works, an estimate of the quantity (in gallons) of untreated overflow.

3. The Director may waive the written report on a case-by-case basis if the oral report has been received within 24 hours by the NPDES Compliance Hotline in Seattle, Washington, by telephone, (206) 553-1846.
4. Reports must be submitted to the addresses in Part III.F. ("Reporting of Monitoring Results").

K. Other Noncompliance Reporting.

The permittee must report all instances of noncompliance, not required to be reported within 24 hours, at the time that monitoring reports for Part III.F. ("Reporting of Monitoring Results") are submitted. The reports must contain the information listed in Part III.J. of this permit ("Twenty-four Hour Notice of Noncompliance Reporting").

L. Notice of New Introduction of Pollutants.

The permittee must provide notice to the Director of:

1. Any new introduction of pollutants into the POTW from an indirect discharger which would be subject to Sections 301 or 306 of the Act if it were directly discharging those pollutants; and
2. Any substantial change in the volume or character of pollutants being introduced into the POTW by a source introducing pollutants into the POTW at the time of issuance of the permit.
3. For the purposes of this section, adequate notice must include information on:
 - a. The quality and quantity of effluent to be introduced into the POTW, and
 - b. Any anticipated impact of the change on the quantity or quality of effluent to be discharged from the POTW.

M. Design Criteria Requirement.

The design criteria for the permitted facility is as follows:

Table III-3: Design Criteria for Cow Creek Gaming Center WWTP		
Criteria	Value	Units
Average Flow	0.0865	mgd
Influent BOD ₅ Loading	360	lbs/day
Influent TSS Loading	360	lbs/day

Each calendar year, the permittee shall compute an annual average value for flow, and BOD₅ and TSS loading entering the facility based on the previous twelve months data or all data available, whichever is less. This information shall be submitted by April 10th along with the first calendar quarter DMR. If the facility performs plant upgrades that affect design criteria listed in Table III-3, only data collected after the upgrade should be used in determining the annual average value. When the average annual values exceed 85% of the design criteria values listed in Table III-3 the permittee shall develop a facility plan and schedule within one year from the date of first exceedence. The plan must include the permittee's strategy for continuing to maintain compliance with effluent limits and will be made available to the Director or authorized representative upon request.

IV. COMPLIANCE RESPONSIBILITIES

A. Duty to Comply.

The permittee must comply with all conditions of this permit. Any permit noncompliance constitutes a violation of the Act and is grounds for enforcement action, for permit termination, revocation and reissuance, or modification, or for denial of a permit renewal application. The permittee shall give advance notice to the Director of any planned changes in the permitted facility or activity which may result in noncompliance with permit requirements.

B. Penalties for Violations of Permit Conditions.

1. Civil Penalties.

- a. Pursuant to 40 CFR 19 and the Act, any person who violates section 301, 302, 306, 307, 308, 318 or 405 of the Act, or any permit condition or limitation implementing

any such sections in a permit issued under section 402, or any requirement imposed in a pretreatment program approved under sections 402(a)(3) or 402(b)(8) of the Act, is subject to a civil penalty not to exceed the maximum amounts authorized by Section 309(d) of the Act and the Federal Civil Penalties Inflation Adjustment Act (28 U.S.C. § 2461 note) as amended by the Debt Collection Improvement Act (31 U.S.C. § 3701 note) (currently \$32,500 per day for each violation).

2. Administrative Penalties.

- a. Any person may be assessed an administrative penalty by the Administrator for violating section 301, 302, 306, 307, 308, 318 or 405 of this Act, or any permit condition or limitation implementing any of such sections in a permit issued under section 402 of this Act. Pursuant to 40 CFR 19 and the Act, administrative penalties for Class I violations are not to exceed the maximum amounts authorized by Section 309(g)(2)(A) of the Act and the Federal Civil Penalties Inflation Adjustment Act (28 U.S.C. § 2461 note) as amended by the Debt Collection Improvement Act (31 U.S.C. § 3701 note) (currently \$11,000 per violation, with the maximum amount of any Class I penalty assessed not to exceed \$32,500). Pursuant to 40 CFR 19 and the Act, penalties for Class II violations are not to exceed the maximum amounts authorized by Section 309(g)(2)(B) of the Act and the Federal Civil Penalties Inflation Adjustment Act (28 U.S.C. § 2461 note) as amended by the Debt Collection Improvement Act (31 U.S.C. § 3701 note) (currently \$11,000 per day for each day during which the violation continues, with the maximum amount of any Class II penalty not to exceed \$157,500).

3. Criminal Penalties:

- a. Negligent Violations. The Act provides that any person who negligently violates sections 301, 302, 306, 307, 308, 318, or 405 of the Act, or any condition or limitation implementing any of such sections in a permit issued under section 402 of the Act, or any requirement imposed in a pretreatment program approved under section 402(a)(3) or 402(b)(8) of the Act, is subject to criminal penalties of \$2,500 to \$25,000 per day of violation, or imprisonment of not more than 1 year, or both. In the case of a second or subsequent conviction for a negligent violation, a person

shall be subject to criminal penalties of not more than \$50,000 per day of violation, or by imprisonment of not more than 2 years, or both.

- b. **Knowing Violations.** Any person who knowingly violates such sections, or such conditions or limitations is subject to criminal penalties of \$5,000 to \$50,000 per day of violation, or imprisonment for not more than 3 years, or both. In the case of a second or subsequent conviction for a knowing violation, a person shall be subject to criminal penalties of not more than \$100,000 per day of violation, or imprisonment of not more than 6 years, or both.
- c. **Knowing Endangerment.** Any person who knowingly violates section 301, 302, 303, 306, 307, 308, 318 or 405 of the Act, or any permit condition or limitation implementing any of such sections in a permit issued under section 402 of the Act, and who knows at that time that he thereby places another person in imminent danger of death or serious bodily injury, shall, upon conviction, be subject to a fine of not more than \$250,000 or imprisonment of not more than 15 years, or both. In the case of a second or subsequent conviction for a knowing endangerment violation, a person shall be subject to a fine of not more than \$500,000 or by imprisonment of not more than 30 years, or both. An organization, as defined in section 309(c)(3)(B)(iii) of the Act, shall, upon conviction of violating the imminent danger provision, be subject to a fine of not more than \$1,000,000 and can be fined up to \$2,000,000 for second or subsequent convictions.
- d. **False Statements.** The Act provides that any person who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required to be maintained under this permit shall, upon conviction, be punished by a fine of not more than \$10,000, or by imprisonment for not more than 2 years, or both. If a conviction of a person is for a violation committed after a first conviction of such person under this paragraph, punishment is a fine of not more than \$20,000 per day of violation, or by imprisonment of not more than 4 years, or both. The Act further provides that any person who knowingly makes any false statement, representation, or certification in any record or other document submitted or required to be maintained under this permit, including monitoring reports or reports of compliance or non-compliance shall, upon conviction, be

punished by a fine of not more than \$10,000 per violation, or by imprisonment for not more than 6 months per violation, or by both.

C. Need to Halt or Reduce Activity not a Defense.

It shall not be a defense for the permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with this permit.

D. Duty to Mitigate.

The permittee must take all reasonable steps to minimize or prevent any discharge or sludge use or disposal in violation of this permit that has a reasonable likelihood of adversely affecting human health or the environment.

E. Proper Operation and Maintenance.

The permittee must at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the permittee to achieve compliance with the conditions of this permit. Proper operation and maintenance also includes adequate laboratory controls and appropriate quality assurance procedures. This provision requires the operation of back-up or auxiliary facilities or similar systems which are installed by the permittee only when the operation is necessary to achieve compliance with the conditions of the permit.

F. Removed Substances.

Collected screenings, grit, solids, sludges, filter backwash, or other pollutants removed in the course of treatment or control of wastewaters shall be disposed of in a manner such as to prevent any pollutant from such materials from entering waters of the United States.

G. Bypass of Treatment Facilities

1. Bypass not exceeding limitations. The permittee may allow any bypass to occur that does not cause effluent limitations to be exceeded, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provisions of paragraphs 2 and 3 of this Part.

2. Notice.
 - a. Anticipated bypass. If the permittee knows in advance of the need for a bypass, it must submit prior notice, to the Director if possible at least 10 days before the date of the bypass.
 - b. Unanticipated bypass. The permittee must submit notice of an unanticipated bypass as required under Part III.J. ("Twenty-four Hour Notice of Noncompliance Reporting").
3. Prohibition of bypass.
 - a. Bypass is prohibited, and the Director may take enforcement action against the permittee for a bypass, unless:
 - i) The bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;
 - ii) There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass that occurred during normal periods of equipment downtime or preventive maintenance; and
 - iii) The permittee submitted notices as required under paragraph 2 of this Part.
 - b. The Director may approve an anticipated bypass, after considering its adverse effects, if the Director determines that it will meet the three conditions listed above in paragraph 3.a. of this Part.

H. Upset Conditions.

1. Effect of an upset. An upset constitutes an affirmative defense to an action brought for noncompliance with such technology-based permit effluent limitations if the permittee meets the requirements of paragraph 2 of this Part. No determination made during administrative review of claims that noncompliance was caused by

upset, and before an action for noncompliance, is final administrative action subject to judicial review.

2. Conditions necessary for a demonstration of upset. To establish the affirmative defense of upset, the permittee must demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:
 - a. An upset occurred and that the permittee can identify the cause(s) of the upset;
 - b. The permitted facility was at the time being properly operated;
 - c. The permittee submitted notice of the upset as required under Part III.J., “Twenty-four Hour Notice of Noncompliance Reporting;” and
 - d. The permittee complied with any remedial measures required under Part IV.D, “Duty to Mitigate.”
3. Burden of proof. In any enforcement proceeding, the permittee seeking to establish the occurrence of an upset has the burden of proof.

I. Planned Changes.

The permittee must give notice to the Director as soon as possible of any planned physical alterations or additions to the permitted facility whenever:

1. The alteration or addition to a permitted facility may meet one of the criteria for determining whether a facility is a new source as determined in 40 CFR 122.29(b); or
2. The alteration or addition could significantly change the nature or increase the quantity of pollutants discharged. This notification applies to pollutants that are not subject to effluent limitations in this permit.
3. The alteration or addition results in a significant change in the permittee’s sludge use or disposal practices, and such alteration, addition, or change may justify the application of permit conditions that are different from or absent in the existing permit, including notification of additional use or disposal sites not reported during

the permit application process or not reported pursuant to an approved land application site.

J. Anticipated Noncompliance.

The permittee must give advance notice to the Director of any planned changes in the permitted facility or activity that may result in noncompliance with this permit.

V. GENERAL REQUIREMENTS

A. Control of Undesirable Pollutants.

Under no circumstances shall the permittee allow introduction of the following wastes into the waste treatment system:

1. Wastes which will create a fire or explosion hazard in the treatment works,
2. Wastes which will cause corrosive structural damage to the treatment works, but in no case, wastes with a pH lower than 5.0, unless the treatment works is designed to accommodate such wastes,
3. Solid or viscous substances in amounts which cause obstructions to the flow in sewers, or interference with the proper operation of the treatment works,
4. Wastewaters at a flow rate and/or pollutant discharge rate which is excessive over relatively short time periods so that there is a treatment process upset and subsequent loss of treatment efficiency, and
5. Any pollutant, including oxygen demanding pollutants (e.g., BOD, etc.) released in a discharge of such volume or strength as to cause interference in the treatment works.

B. Permit Actions.

This permit may be modified, revoked and reissued, or terminated for cause as specified in 40 CFR 122.62, 122.64, or 124.5. The filing of a request by the permittee for a permit modification, revocation and reissuance, termination, or a notification of planned changes or anticipated noncompliance, does not stay any permit condition.

C. Duty to Reapply.

If the permittee intends to continue an activity regulated by this permit after the expiration date of this permit, the permittee must apply for and obtain a new permit. In accordance with 40 CFR 122.21(d), and unless permission for the application to be submitted at a later date has been granted by the Director, the permittee must submit a new application at least 180 days before the expiration date of this permit.

D. Duty to Provide Information.

The permittee must furnish to the Director within the time specified in the request, any information that the Director may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit, or to determine compliance with this permit. The permittee must also furnish to the Director, upon request, copies of records required to be kept by this permit.

E. Other Information.

When the permittee becomes aware that it failed to submit any relevant facts in a permit application, or that it submitted incorrect information in a permit application or any report to the Director, it must promptly submit such facts or information.

F. Signatory Requirements.

All applications, reports or information submitted to the Director must be signed and certified as follows.

1. All permit applications must be signed as follows:
 - a. For a corporation: by a responsible corporate officer.
 - b. For a partnership or sole proprietorship: by a general partner or the proprietor, respectively.
 - c. For a municipality, state, federal, Indian tribe, or other public agency: by either a principal executive officer or ranking elected official.
2. All reports required by the permit and other information requested by the Director must be signed by a person described above or by a duly authorized representative of that person. A person is a duly authorized representative only if:

- a. The authorization is made in writing by a person described above;
 - b. The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility or activity, such as the position of plant manager, operator of a well or a well field, superintendent, position of equivalent responsibility, or an individual or position having overall responsibility for environmental matters for the company; and
 - c. The written authorization is submitted to the Director.
3. Changes to authorization. If an authorization under Part V.F.2 is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization satisfying the requirements of Part V.F.2. must be submitted to the Director prior to or together with any reports, information, or applications to be signed by an authorized representative.
 4. Certification. Any person signing a document under this Part must make the following certification:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

G. Availability of Reports.

In accordance with 40 CFR 2, information submitted to EPA pursuant to this permit may be claimed as confidential by the permittee. In accordance with the Act, permit applications, permits and effluent data are not considered confidential. Any confidentiality claim must be asserted at the time of submission by stamping the words "confidential business information" on each page containing such information. If no claim is made at the time of submission, EPA may make the information available to the public without further notice to the permittee. If a claim is asserted,

the information will be treated in accordance with the procedures in 40 CFR 2, Subpart B (Public Information) and 41 Fed. Reg. 36902 through 36924 (September 1, 1976), as amended. As required by the CWA, permit applications, permits, and data necessary to determine compliance with the permit conditions or applicable Federal or State biosolids regulations shall not be considered confidential.

H. Inspection and Entry.

The permittee must allow the Director, or an authorized representative (including an authorized contractor acting as a representative of the Administrator), upon the presentation of credentials and other documents as may be required by law, to:

1. Enter upon the permittee's premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of this permit;
2. Have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit;
3. Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this permit; and
4. Sample or monitor at reasonable times, for the purpose of assuring permit compliance or as otherwise authorized by the Act, any substances or parameters at any location.

I. Oil and Hazardous Substance Liability.

Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties to which the permittee is or may be subject under section 311 of the CWA.

J. Property Rights.

The issuance of this permit does not convey any property rights of any sort, or any exclusive privileges, nor does it authorize any injury to persons or property or invasion of other private rights, nor any infringement of federal, tribal, state or local laws or regulations.

K. Severability.

The provisions of this permit are severable, and if any provision of this permit, or the application of any provision of this permit to any circumstance, is held invalid, the application of such provision to other circumstances, and the remainder of this permit, shall not be affected thereby.

L. Transfers.

This permit is not transferable to any person except after notice to the Director. The Director may require modification or revocation and reissuance of the permit to change the name of the permittee and incorporate such other requirements as may be necessary under the Act. (See 40 CFR 122.61; in some cases, modification or revocation and reissuance is mandatory).

M. State Laws.

Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties established pursuant to any applicable state law or regulation under authority preserved by Section 510 of the Act.

N. Reopener Provision.

This permit may be reopened to include any applicable standard for sewage sludge use or disposal promulgated under section 405(d) of the Act. The Director may modify or revoke and reissue the permit if the standard for sewage sludge use or disposal is more stringent than any requirements for sludge use or disposal in the permit, or controls a pollutant or practice not limited in the permit.

VI. DEFINITIONS

1. “Act” means the Clean Water Act.
2. “Administrator” means the Administrator of the EPA, or an authorized representative.
3. “Annual Average” means the sum all values reported in a 12 month period divided by the number of values.
4. “Average monthly discharge limitation” means the highest allowable average of “daily discharges” over a calendar month, calculated as the sum

of all “daily discharges” measured during a calendar month divided by the number of “daily discharges” measured during that month.

5. “Average weekly discharge limitation” means the highest allowable average of “daily discharges” over a calendar week, calculated as the sum of all “daily discharges” measured during a calendar week divided by the number of “daily discharges” measured during that week.
6. “Biosolids” means any sewage sludge or material derived from sewage sludge.
7. “Bypass” means the intentional diversion of waste streams from any portion of a treatment facility.
8. “Calendar quarter” means the three-month period consisting of January/February/March, April/May/June, July/August/September or October/November/December.
9. “CWA” means the Clean Water Act (formerly referred to as either the Federal Water Pollution Act or the Federal Water Pollution Control Act Amendments of 1972), Pub. L. 92-500, as amended by Pub. L. 95-217, Pub. L. 95-576, Pub. L. 96-483, Pub. L. 97-117, and Pub. L. 100-4.
10. “Daily Discharge” means the discharge of a pollutant measured during a calendar day or any 24-hour period that reasonably represents the calendar day for purposes of sampling. For pollutants with limitations expressed in units of mass, the “daily discharge” is calculated as the total mass of the pollutant discharged over the day. For pollutants with limitations expressed in other units of measurement, the “daily discharge” is calculated as the average measurement of the pollutant over the day.
11. “Daily Maximum” is the maximum value allowable in any single sample or instantaneous measurement.
12. “Director” means the Director of the Office of Water, EPA, or an authorized representative.
13. “DMR” means discharge monitoring report.
14. “EPA” means the United States Environmental Protection Agency.
15. “Grab” sample is an individual sample collected over a period of time not exceeding 15 minutes.
16. “Grit and Screenings” are sand, gravel, cinders, and other materials with a high specific gravity and relatively large materials such as rags generated

during preliminary treatment of domestic sewage at a treatment works and shall be disposed of according to 40 CFR 258.

17. “Monthly Average” is the arithmetic mean of all measurements taken during the month.
18. “Monthly Log Mean” is the value acquired from taking the summation of the monthly log values, dividing that value by the number of monthly values, and then taking the anti-log of that value.
19. “Not Permitted” means not approved under this permit. It usually refers to either a practice for which the permittee did not apply to utilize, or has not prepared procedures complying with the federal standards or requirements of others.
20. “NPDES” means National Pollutant Discharge Elimination System, the national program for issuing, modifying, revoking and reissuing, terminating, monitoring and enforcing permits . . . under sections 307, 402, 318, and 405 of the CWA.
21. “POTW” means publicly owned treatment works.
22. “QA/QC” means quality assurance/quality control.
23. “Paint Filter Test” is a test (SW 9095) where a predetermined amount of biosolids are placed in a paint filter. If any portion of the material passes through the filter in a five minute test period, the material is deemed to contain free liquids.
24. “Pathogen” means an organism that is capable of producing an infection or disease in a susceptible host.
25. “Pollutant” for the purposes of this permit is an organic substance, an inorganic substance, a combination of organic and inorganic substances, or pathogenic organisms that, after discharge and upon exposure, ingestion, inhalation, or assimilation into an organism either directly from the environment or indirectly by ingestion through the food-chain, could, on the basis of information available to the Administrator of the EPA, cause death, disease, behavioral abnormalities, cancer, genetic mutations, physiological malfunctions (including a malfunction in reproduction), or physical deformations in either organisms or offspring of the organisms.
26. “Sewage Sludge” means solid, semi-solid, or liquid residues generated during the treatment of domestic sewage and/or a combination of domestic sewage and industrial waste of a liquid nature in a Treatment Works. Sewage sludge (biosolids) includes, but is not limited to, domestic

septage; scum or solids removed in primary, secondary, or advanced wastewater treatment processes; and a material derived from biosolids. Biosolids do not include ash generated during the incineration of biosolids or grit and screenings generated during preliminary treatment of domestic sewage in a Treatment Works. These must be disposed of in accordance with 40 CFR 258.

27. “Severe property damage” means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.
28. “Treatment Works” are either Federally owned, publicly owned, or privately owned devices or systems used to treat (including recycling and reclamation) either domestic sewage or a combination of domestic sewage and industrial waste of a liquid nature.
29. A “24-hour composite” sample shall mean a flow-proportioned mixture of not less than eight discrete aliquots. Each aliquot shall be a grab sample of not less than 100 mL and shall be collected and stored in accordance with procedures prescribed in the most recent edition of *Standard Methods for the Examination of Water and Wastewater*.
30. “Upset” means an exceptional incident in which there is unintentional and temporary noncompliance with technology-based permit effluent limitations because of factors beyond the reasonable control of the permittee. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.

APPENDIX A - BIOSOLIDS/SEPTAGE

PART 258-CRITERIA FOR MUNICIPAL SOLID WASTE LANDFILLS

1. Subpart C - Operating Criteria
258.28 Liquids restrictions

PART 261-IDENTIFICATION AND LISTING OF HAZARDOUS WASTE

1. Subpart A - General
261.3 Definition of hazardous waste.
2. Subpart C - Characteristics of Hazardous Waste
261.24 Toxicity characteristic.

PART 503 - STANDARDS FOR THE USE OR DISPOSAL OF SEWAGE SLUDGE

1. Subpart A - General Provisions.
 - 503.1 Purpose and applicability
 - 503.2 Compliance period
 - 503.3 Permits and direct enforceability
 - 503.4 Relationship to other regulations
 - 503.5 Additional or more stringent requirements
 - 503.6 Exclusions
 - 503.7 Requirement for a person who prepares sewage sludge
 - 503.9 General definitions